

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY BOARD
OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH in his
official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,

Defendants.

Civil Action No. 2:21-cv-00316

Hon.

**MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF THE
PAGE LIMITATION OF LOCAL RULE OF CIVIL PROCEDURE 7.1(a)(2)**

Plaintiff, by and through her counsel, pursuant to Local Rule of Civil Procedure 7.1(a)(2), respectfully requests leave to file a Memorandum in Support of her Motion for Preliminary Injunction in excess of the 20-page limit established in Rule 7.1(a)(2). The Memorandum Plaintiff proposes to file is attached as Exhibit A.

Local Rule of Civil Procedure 7.1(a)(2) provides that upon a showing of good cause, the Court may allow a party to exceed the 20-page limit. Good cause exists to allow leave because Plaintiff requires sufficient space to present the relevant details and history of House Bill 3293, the state law being challenged in this litigation, which prohibits girls who are transgender from participating on school-sponsored athletic teams consistent with their gender identity, and which is newly enacted and has not previously been addressed by any court. The additional requested pages also will provide sufficient space for Plaintiff to present to the Court other factual matters relevant to the resolution of Plaintiff's preliminary injunction motion, including those addressed

in the six declarations accompanying Plaintiff's motion. Good cause also exists because the legal issues before the Court—namely, whether Plaintiff is likely to succeed on her claims that H.B. 3293 violates Title IX and the Equal Protection Clause, whether Plaintiff will be irreparably harmed absent an injunction, whether the balance of equities favors Plaintiff, and whether a preliminary injunction is in the public interest—involve multiple elements implicating issues of both fact and law. Plaintiff believes the additional pages will assist the Court in adjudicating these matters and respectfully submits that good cause exists to permit filing a brief in excess of Rule 7.1(a)(2)'s 20-page limit. A proposed Order granting this Motion is submitted for the Court's convenience.

Respectfully submitted this 26th day of May, 2021,

/s/ Loree Stark

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**Statements of Visiting Attorneys
Forthcoming*

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CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 26th day of May, 2021, I electronically filed a true and exact copy of ***Motion for Leave to File Brief in Excess of the Page Limitation of Local Rule 7.1(a)(2)*** with the Clerk of Court and all parties using the CM/ECF System. A copy of this motion will also be served to the Defendants with the Complaint.

/s/ Loree Stark

West Virginia Bar No. 12936